

113TH CONGRESS
1ST SESSION

H. R. 3092

AN ACT

To amend the Missing Children's Assistance Act, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “E. Clay Shaw, Jr.
3 Missing Children’s Assistance Reauthorization Act of
4 2013”.

5 **SEC. 2. AMENDMENTS.**

6 (a) FINDINGS.—Section 402 of the Missing Chil-
7 dren’s Assistance Act (42 U.S.C. 5771) is amended—

8 (1) by redesignating paragraphs (3) through
9 (9) as paragraphs (4) through (10), respectively,
10 and

11 (2) by inserting after paragraph (2) the fol-
12 lowing:

13 “(3) many missing children are runaways;”.

14 (b) DUTIES AND FUNCTIONS OF ADMINISTRATOR.—
15 Section 404 of the Missing Children’s Assistance Act (42
16 U.S.C. 5773) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph(5)—

19 (i) by striking “Representatives, and”
20 and inserting “Representatives, the Com-
21 mittee on Education and the Workforce of
22 the House of Representatives,” and

23 (ii) by inserting “, and the Committee
24 on the Judiciary of the Senate” after
25 “Senate”,

1 (B) by redesignating paragraphs (4) and
2 (5) as (5) and (6), respectively, and

3 (C) by inserting after paragraph (3) the
4 following:

5 “(4) coordinate with the United States Inter-
6 agency Council on Homelessness to ensure that
7 homeless services professionals are aware of edu-
8 cational resources and assistance provided by the
9 Center regarding child sexual exploitation;”,

10 (2) in subsection (b)—

11 (A) in paragraph (1)—

12 (i) in subparagraph (C)—

13 (I) by striking “and” after “gov-
14 ernments,”, and

15 (II) by inserting “State and local
16 educational agencies,” after “agen-
17 cies,”,

18 (ii) in subparagraph (R) by striking
19 “and” at the end,

20 (iii) in subparagraph (S) by striking
21 the period at the end and inserting a semi-
22 colon, and

23 (iv) by adding at the end the fol-
24 lowing:

1 “(T) provide technical assistance and
2 training to State and local law enforcement
3 agencies and statewide clearinghouses to coordi-
4 nate with State and local educational agencies
5 in identifying and recovering missing children;

6 “(U) assist the efforts of law enforcement
7 agencies in coordinating with child welfare
8 agencies to respond to foster children missing
9 from the State welfare system; and

10 “(V) provide technical assistance to law en-
11 forcement agencies and first responders in iden-
12 tifying, locating, and recovering victims of, and
13 children at risk for, child sex trafficking.”, and

14 (B) by amending paragraph (2) to read as
15 follows:

16 “(2) LIMITATION.—

17 “(A) IN GENERAL.—Notwithstanding any
18 other provision of law, no Federal funds may be
19 used to pay the compensation of an individual
20 employed by the Center if such compensation,
21 as determined at the beginning of each grant
22 year, exceeds 110 percent of the maximum an-
23 nual salary payable to a member of the Federal
24 Government’s Senior Executive Service (SES)
25 for that year. The Center may compensate an

1 employee at a higher rate provided the amount
2 in excess of this limitation is paid with non-
3 Federal funds.

4 “(B) DEFINITION OF COMPENSATION.—

5 For the purpose of this paragraph, the term
6 ‘compensation’—

7 “(i) includes salary, bonuses, periodic
8 payments, severance pay, the value of a
9 compensatory or paid leave benefit not ex-
10 cluded by clause (ii), and the fair market
11 value of any employee perquisite or benefit
12 not excluded by clause (ii); and

13 “(ii) excludes any Center expenditure
14 for health, medical, or life insurance, or
15 disability or retirement pay, including pen-
16 sions benefits.”,

17 (3) in subsection (c)(1)—

18 (A) by striking “periodically” and inserting
19 “triennially”, and

20 (B) by striking “kidnapings” and inserting
21 “kidnappings”, and

22 (4) in subsection (c)(2) by inserting “, in com-
23 pliance with the Family Educational Rights and Pri-
24 vacy Act of 1974 (20 U.S.C. 1232g)” after “birth
25 certificates”.

1 (c) GRANTS.—Section 405(a) of the Missing Chil-
2 dren’s Assistance Act (42 U.S.C. 5775(a)) is amended—

3 (1) in paragraph (1) by inserting “schools,
4 school leaders, teachers, State and local educational
5 agencies, homeless shelters and service providers,”
6 after “children,” and

7 (2) in paragraph (3) by inserting “and schools”
8 after “communities”.

9 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 407 of the Missing Children’s Assistance Act
11 (42 U.S.C. 5777) is amended—

12 (1) in subsection (a) by striking “such” and all
13 that follows through the period at the end, and in-
14 serting “\$40,000,000 for each of the fiscal years
15 2014 through 2018, up to \$32,200,000 of which
16 shall be used to carry out section 404(b) for each
17 such fiscal year.”, and

18 (2) by striking “**SEC. 407**” and inserting “**SEC.**
19 **408**”.

20 **SEC. 4. OVERSIGHT AND ACCOUNTABILITY.**

21 The Missing Children’s Assistance Act (42 U.S.C.
22 5771 et seq.) is amended by inserting after section 406
23 the following:

1 **“SEC. 407. OVERSIGHT AND ACCOUNTABILITY.**

2 “All grants awarded by the Department of Justice
3 that are authorized under this title shall be subject to the
4 following:

5 “(1) AUDIT REQUIREMENT.—For 2 of the fiscal
6 years in the period of fiscal years 2014 through
7 2018, the Inspector General of the Department of
8 Justice shall conduct audits of the recipient of
9 grants under this title to prevent waste, fraud, and
10 abuse by the grantee.

11 “(2) MANDATORY EXCLUSION.—If the recipient
12 of grant funds under this title is found to have an
13 unresolved audit finding, then that entity shall not
14 be eligible to receive grant funds under this title
15 during the 2 fiscal years beginning after the 12-
16 month period described in paragraph (4).

17 “(3) REPAYMENT OF GRANT FUNDS.—If an en-
18 tity is awarded grant funds under this title during
19 the 2-fiscal-year period in which the entity is barred
20 from receiving grants under paragraph (2), the At-
21 torney General shall—

22 “(A) deposit an amount equal to the grant
23 funds that were improperly awarded to the
24 grantee into the General Fund of the Treasury;
25 and

1 “(B) seek to recoup the costs of the repay-
2 ment to the fund from the grant recipient that
3 was erroneously awarded grant funds.

4 “(4) DEFINED TERM.—In this section, the term
5 ‘unresolved audit finding’ means an audit report
6 finding in the final report of the Inspector General
7 of the Department of Justice that the grantee has
8 utilized grant funds for an unauthorized expenditure
9 or otherwise unallowable cost that is not closed or
10 resolved within a 12-month period beginning on the
11 date when the final audit report is issued.

12 “(5) NONPROFIT ORGANIZATION REQUIRE-
13 MENTS.—

14 “(A) DEFINITION.—For purposes of this
15 section and the grant programs described in
16 this title, the term ‘nonprofit’, relating to an
17 entity, means the entity is described in section
18 501(c)(3) of the Internal Revenue Code of 1986
19 and is exempt from taxation under section
20 501(a) of such Code.

21 “(B) PROHIBITION.—The Attorney Gen-
22 eral shall not award a grant under any grant
23 program described in this title to a nonprofit
24 organization that holds money in off-shore ac-
25 counts for the purpose of avoiding paying the

1 tax described in section 511(a) of the Internal
2 Revenue Code of 1986.

3 “(C) DISCLOSURE.—Each nonprofit orga-
4 nization that is awarded a grant under this title
5 and uses the procedures prescribed in regula-
6 tions under section 53.4958-6 of title 26 of the
7 Code of Federal Regulations to create a rebut-
8 table presumption of reasonableness of the com-
9 pensation for its officers, directors, trustees and
10 key employees, shall disclose to the Attorney
11 General the process for determining such com-
12 pensation, including the independent persons
13 involved in reviewing and approving such com-
14 pensation, the comparability data used, and
15 contemporaneous substantiation of the delibera-
16 tion and decision. Upon request, the Attorney
17 General shall make the information available
18 for public inspection.

19 “(6) CONFERENCE EXPENDITURES.—

20 “(A) LIMITATION.—No amounts author-
21 ized to be appropriated under this title may be
22 used to host or support any expenditure for
23 conferences that uses more than \$20,000 unless
24 the Deputy Attorney General or the appropriate
25 Assistant Attorney General, Director, or prin-

1 ciproal deputy director as the Deputy Attorney
2 General may designate, provides prior written
3 authorization that the funds may be expended
4 to host a conference.

5 “(B) WRITTEN APPROVAL.—Written ap-
6 proval under subparagraph (A) shall include a
7 written estimate of all costs associated with the
8 conference, including the cost of all food and
9 beverages, audio/visual equipment, honoraria
10 for speakers, and any entertainment.

11 “(C) REPORT.—The Deputy Attorney Gen-
12 eral shall submit an annual report to the Com-
13 mittee on the Judiciary of the Senate, the Com-
14 mittee on the Judiciary of the House of Rep-
15 resentatives, and the Committee on Education
16 and the Workforce of the House of Representa-
17 tives on all conference expenditures approved by
18 operation of this paragraph.

19 “(7) PROHIBITION ON LOBBYING ACTIVITY.—

20 “(A) IN GENERAL.—Amounts authorized
21 to be appropriated under this title may not be
22 utilized by any grant recipient to—

23 “(i) lobby any representative of the
24 Department of Justice regarding the
25 award of any grant funding; or

1 “(ii) lobby any representative of a
2 Federal, state, local, or tribal government
3 regarding the award of grant funding.

4 “(B) PENALTY.—If the Attorney General
5 determines that any recipient of a grant under
6 this title has violated subparagraph (A), the At-
7 torney General shall—

8 “(i) require the grant recipient to
9 repay the grant in full; and

10 “(ii) prohibit the grant recipient from
11 receiving another grant under this title for
12 not less than 5 years.

13 “(C) CLARIFICATION.—For purposes of
14 this paragraph, submitting an application for a
15 grant under this title shall not be considered
16 lobbying activity in violation of subparagraph
17 (A).”.

Passed the House of Representatives September 17,
2013.

Attest:

Clerk.

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